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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,693	11/25/2003	Trinh T. Phung	MP0375	5733

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EXAMINER	
NGUYEN, TANH Q	
ART UNIT	**PAPER NUMBER**
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,693	PHUNG ET AL.	
	Examiner	Art Unit	
	Tanh Q. Nguyen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,8-16,19,20,23-31,34-42,44,45,48-57,59,60 and 63-110* is/are pending in the application.

4a) Of the above claim(s) *8-12,15,23-27,30,34-40,48-52,55,63-67 and 70-110* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,13,14,16,19,20,28,29,31,41,42,44,45,53,54,56,57,59,60,68 and 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01/08/07* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-5, 13-14, 16, 19-20, 28-29, 31, 41-42, 44-45, 53-54, 56-57, 59-60, 68, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sefidvash (US 6,906,426), and alternatively over Sefidvash in view of Fujimori et al. (US 2004/0030805 A1).

3. As per claim 1, Sefidvash teaches a physical layer device [10, FIG. 4], comprising:

a volatile memory [160, FIG. 4] for storing configuration information for the physical layer device [col. 5, lines 26-34; col. 6, lines 39-41];

a first signal path [12-160, FIG. 4] comprising a first bridge [12, FIG. 4] between the volatile memory and a system controller [20, FIG. 1], communicating the configuration information for the physical layer device to the volatile memory [col. 7, lines 61-65];

a second signal path [11-160, FIG. 4] comprising a second bridge [11, FIG. 4] for communicating the configuration information between the volatile memory and at least one non-volatile memory [40, 170, FIG. 4; col. 5, lines 26-34; col. 6, lines 39-41]; and

an arbiter [14, FIG. 4] for receiving requests to access the volatile memory from

the first bridge and the second bridge.

Sefidvash does not specifically teach the physical layer device being IEEE 802.3 compliant. Since it was known in the art at the time the invention was made for a physical layer device to be in compliance with IEEE 802.3 standard to execute communication control in compliance with such standard, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the physical layer device to be compliant with the IEEE 802.3 standard in order to execute communication control that is in compliance with such standard.

Fujimori teaches a physical layer device [10, FIG. 4] that is similar to the physical layer device of Sefidvash, and further teaches the physical device being 802.3 compliant [[0082], lines 1-2]. Since Fujimori and Sefidvash have the same assignee, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the physical layer device to be compliant with the IEEE 802.3 standard in order to execute communication control that is in compliance with such standard.

Sefidvash does not teach giving priority to the first bridge. Since applicant did not provide any reason for giving priority to the first bridge, it appears that priority can be given to either one of the first and second bridges, in accordance with a predetermined priority. It would have been obvious to one of ordinary skill in the art at the time the invention was made to give priority to the first bridge in order to allow the first bridge to access the volatile memory before the second bridge - when the first bridge has a higher predetermined priority than the second bridge, when the first bridge has a higher priority than the second bridge, or when the request to access the volatile memory from

the first bridge is received prior to the request to access the volatile memory from the second bridge.

4. As per claims 4, 5, 13-14, Sefidvash teaches the volatile memory comprising shadow registers [160, FIG. 3] - since it was known in the art for registers to be provided in RAM to store data, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the shadow registers to be provided in RAM in order to store data - hence the volatile memory comprising a shadow RAM;

the at least one non-volatile memory comprising an EEPROM [40, 170, FIG. 4];

the system controller being a MDC/MDIO system controller [20, FIG. 1];

a two-wire serial interface [col. 4, lines 40-42].

5. As per claims 16, 19-20, 28, 29, 31, 41-42, 44-45, 53, 54, 56-57, 59-60, 68, 69, the claims generally correspond to one or more of claims 1, 4-5, 13, 14, and are rejected on the same bases - with the data transfer system being the data transfer system of FIG. 1.

Response to Arguments

6. Applicant's arguments filed January 8, 2007 have been considered but are either moot in view of the new grounds of rejection and/or not persuasive.

7. Applicant argues that the examiner did not attribute any patentable weight to "giving priority to the first bridge". The examiner disagrees. The examiner considered giving priority to the first bridge to be in accordance with a predetermined priority, and the predetermined priority is to give priority to the first bridge in order to allow the first

bridge to access the volatile memory before the second bridge. Furthermore, the examiner considered giving priority to the first bridge when the first bridge has priority over the second bridge, and therefore allowing the first bridge to access the volatile memory before the second bridge. The examiner also considered giving priority to the first bridge when the request to access the volatile memory from the first bridge is received prior to the request to access the volatile memory from the second bridge and therefore allowing the first bridge to access the volatile memory before the second bridge. Note that the rejections above are elaborated to clarify the examiner's position in the previous action, and that there is no new ground of rejections for claim 31.

8. Applicant also argues "what the arbiter does is to give priority to the system controller when both the controller and the EEPROMs want to access the shadow RAM at the same time". It is noted that such features are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. As requested by applicant, the examiner cites US 6,859,614 by Cho, which provides support for an arbiter (priority order controller 240, FIG. 3) allowing several devices simultaneously requesting access to a memory to access the memory according to a predetermined priority order (Abstract).

10. With respect to the non-elected species, the examiner suggests that applicant amend the withdrawn claims, and use status (Withdrawn-Currently Amended) to keep the withdrawn claims consistent with amendments to claims of the elected species.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

February 13, 2007

TQN
February 13, 2007